

## LEASE OF MINERAL LANDS IN THE STATE OF WASHINGTON.

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JANUARY 28, 1921.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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Mr. SUMMERS of Washington, from the Committee on the Public Lands, submitted the following

### REPORT.

[To accompany H. R. 15372.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 15372) authorizing the lease of lands containing deposits of minerals, oil, oil shale, or gas by the State of Washington for longer periods than five years, begs leave to report the same with an amendment as follows: Strike out all after the enacting clause and insert the following words: "That lands the title to which had passed to and vested in the State of Washington, because not known to contain deposits of minerals, oil, oil shale, or gas at the date of the admission of the State into the Union, or when such title is held to have otherwise attached, pursuant to the enabling act approved February 22, 1889, and acts amendatory thereof, may, under such rules and regulations as the legislature of the said State shall prescribe, be leased for the development and mining of such deposits of mineral, oil, oil shale, or gas, for such terms as the legislature of the State may prescribe, not exceeding twenty years, anything in the enabling act of the said State to the contrary notwithstanding; the rentals and royalties therefrom to be disposed of as is provided for by said enabling act and acts amendatory thereof," and recommends that as amended the bill do pass. In the amended form recommended by the committee the bill would read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That lands the title to which had passed to and vested in the State of Washington, because not known to contain deposits of minerals, oil, oil shale, or gas at the date of the admission of the State into the Union, or when such title is held to have otherwise attached, pursuant to the enabling act approved February 22, 1889, and acts amendatory thereof, may, under such rules and regulations as the legislature of the said State shall prescribe, be leased for the development and mining of such deposits of mineral, oil, oil shale, or gas, for such terms as the legislature of

the State may prescribe, not exceeding twenty years, anything in the enabling act of said State to the contrary notwithstanding; the rentals and royalties therefrom to be disposed of as is provided for by said enabling act and acts amendatory thereof.

Experience has demonstrated the fact that capital can not be attracted to the task of developing mineral and oil lands on short-term leases. This is true in the prairie States, where transportation and other costs are comparatively inexpensive, no less than in the State of Washington, where, on account of the rough and forbidding topography of the land, every expense involved in development is heavy and discouraging.

The enabling act (act of Feb. 22, 1889), which granted sections 16 and 36 of each township to the State of Washington for the support of public schools, prohibited the leasing of granted lands for periods longer than five years.

The bill H. R. 15372 authorizes the legislature of the State to make rules and regulations for the leasing of certain of such lands for terms in excess of 5 years, but not exceeding 20 years.

By the terms of the bill the only lands affected are lands which passed to the State under the enabling act and which at the time of the vesting of title were not known to contain deposits of minerals, oil, oil shale, or gas. Such lands may be leased for development and mining purposes only. Agricultural and grazing lands are not affected. They would still be subject to the original limitation.

It has been shown to your committee that the governor and the land commissioner of the State of Washington are in favor of this legislation. In a communication to the author of the bill, Mr. Johnson of Washington, they say:

The 5-year limitation of leases renders the development of minerals on State lands impossible.

The bill has been indorsed by the Legislature of the State of Washington, by various civic and business associations, and by private individuals.

The recommendation of the Secretary of the Interior, with reference to H. R. 15372, is as follows:

DEPARTMENT OF THE INTERIOR,  
Washington, January 26, 1921.

Hon. N. J. SINNOTT,  
*Chairman Committee on Public Lands,*  
*House of Representatives.*

MY DEAR MR. SINNOTT: Answering your request for report upon H. R. 15372, which proposes to authorize the State of Washington to lease, for the development of minerals, lands granted to the State by its enabling act, I have to advise that said act (approved Feb. 22, 1889, 25 Stat., 676) granted to the State sections 16 and 36 in each township for the support of public schools. Where any of these lands were known to contain minerals at date of admission of the State, or at the time they were surveyed, if the survey was made and approved after admission, or where any of such sections had been otherwise disposed of prior to the granting act, the State was given the right to select other lands in lieu thereof. As to the lands which passed to the State under its grant, section 11 of the act provided that the State might dispose of them only at public sale and at a price not less than \$10 an acre, or that the State legislature might authorize their lease for periods of not more than five years, in quantities not exceeding 640 acres to any one person.

The State now feels that some of the lands which passed to it under its grant may contain deposits of coal, oil or other minerals, and desires to obtain authority from Congress to lease such deposits in somewhat the same manner as Federal mineral lands are leased under the act of February 25, 1920 (41 Stat., 437).

I think H. R. 15372 should be amended to make it perfectly clear that the only minerals which the State is authorized to lease are those in lands which passed to it

under its grant, because the minerals therein were not known to exist at the time of the admission of the State or at time of the approval of the survey, if they were surveyed after date of admission. In other words, that it should be made clear that the act will only include those lands where the grant to the State had become effective. It is therefore recommended that the bill be amended to read as follows:

"That lands, the title to which had passed to and vested in the State of Washington, because not known to contain deposits of minerals, oil, oil shale, or gas at the date of the admission of the State into the Union, or when such title is held to have otherwise attached, pursuant to the enabling act approved February 22, 1889, and acts amendatory thereof, may, under such rules and regulations as the legislature of the said State shall prescribe, be leased for the development and mining of such deposits of mineral, oil, oil shale, or gas, for such terms as the legislature of the State may prescribe, not exceeding 20 years, anything in the enabling act of said State to the contrary notwithstanding."

If it be so amended, this department has no objection to interpose to its enactment.

Cordially, yours,

JOHN BARTON PAYNE, *Secretary.*



